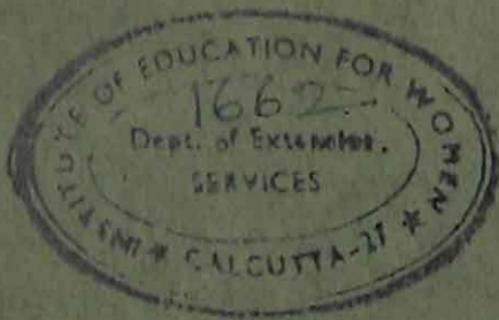


SOCIAL SCIENCE STUDIES

CHILDREN IN TROUBLE

by F. T. Giles



OXFORD UNIVERSITY PRESS

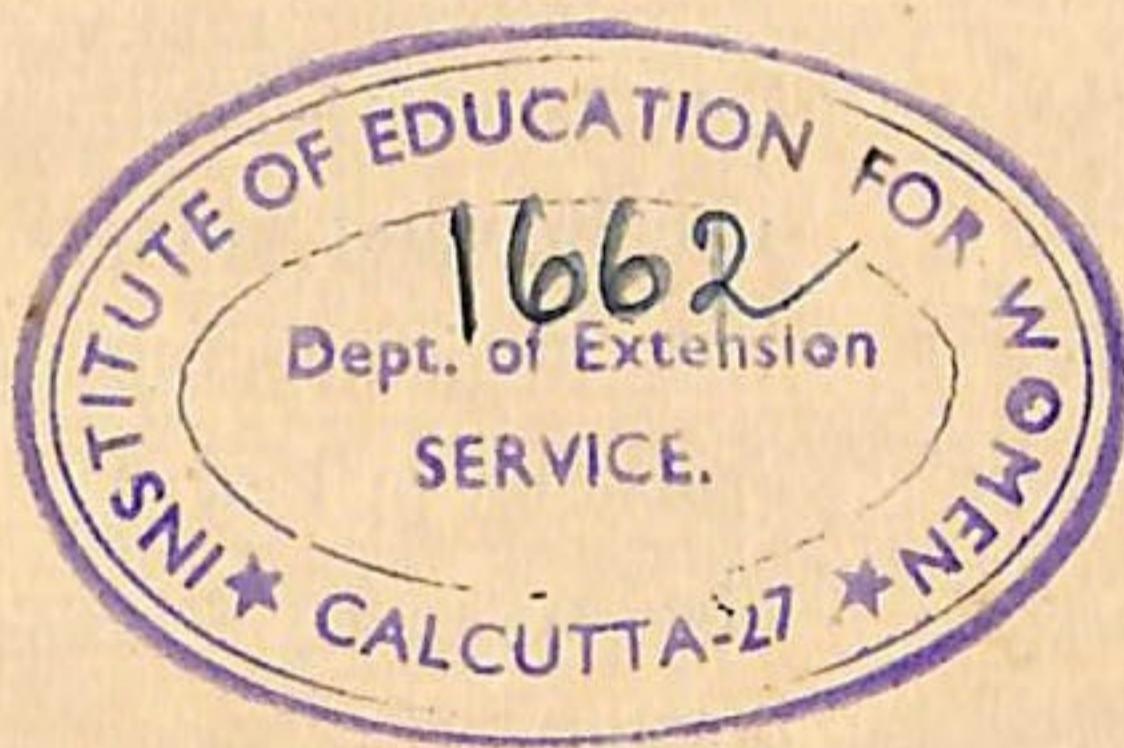
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CHAPTER ONE

THE ARREST

Delinquent children are a problem in every country in the world ; they are a problem even in countries which, perhaps, do not realize that such a problem exists. In England, these children have long caused great anxiety ; much time, money, and thought have been spent upon them. For many years people have criticized and discussed the methods used up to now for fighting this evil. Some say that these methods are not preventing delinquency among children. Some go further and say that they even lead to an increase in the evils which they are intended to cure.

At this stage, we will not discuss the arguments of these critics. But let us see the kind of thing that could well happen in the streets of an English city. There have been many such cases.

It is late evening, long after the shops have closed. A London policeman is walking down a badly lit side-street. He sees a boy, about fourteen years old, standing outside a shop which sells tobacco and sweets. In recent months there have been a number of burglaries at this same shop, and the constable stops a short distance away and watches the boy. In the light from the head-lamps of passing motor cars, he notices that the boy is looking about him uneasily and every now and then turns to look into the shop.

The policeman knows that, if he approaches alone, the boy will run away after giving a warning whistle to his friends inside the shop. So he goes quickly to a telephone and tells his senior officer what is happening. In a few minutes a police car comes up. The policeman gets in, and the car is driven quickly to the shop. Before he can call out, the boy who has been standing about outside is held tight in the arms of the policeman.

Meanwhile other police officers from the car rush into the shop. There they find the rest of the party, a tall, thin boy, who appears to be the leader, two younger boys and one very small boy. All have their pockets filled with cigarettes, chocolate and sweets. The oldest boy has a half-filled sack, and there is a broken window with a hole big enough to let the smallest boy through. From the point of view of the police, this is a perfect case of 'breaking and entering with intent to steal'.

The boys are immediately placed in the police car and driven off to the police station. There they are faced by an inspector, who listens to the story the police have to tell and then charges the boys. The charge is entered on a 'charge sheet'—a broad piece of paper about the size of a newspaper—and against the charge the inspector writes the names, addresses and ages of the boys.

They are :

Patrick McTeggart, aged 16.

John Harris, aged 15.

Michael McTeggart, aged 13.

William Pearce, aged 10.

Horace McTeggart, aged 7.

Then the inspector sends a policeman to the boys' homes to tell their parents that the children have been arrested. There are several reasons for doing this. Firstly, if the parents are trustworthy, they will be allowed to take their children home, on condition that they bring them to Court on the day when the magistrates will try the case. Secondly, the police must be certain about the ages of the children.

In England there are two different kinds of magistrates' Courts—one for adults, and one for children. Juvenile Courts hear cases against delinquents under seventeen years of age. If, however, children under seventeen are charged together with an adult, they are tried with him in an adult Court. Therefore, when children are taken into custody, it is essential to make sure that none of them is over seventeen. The parents will be able to tell the police whether the children have given their correct ages. Also, if a child is under eight years old, he cannot be charged with a criminal offence, no matter how strong the evidence against him may be. A crime consists of two parts: an intent to commit it, and the acts necessary to carry it out. Parliament has decided that children under eight cannot form the intent since they do not know what crime is, even though they may be caught while busy filling their pockets with the shopkeeper's goods.

Before long, Mr and Mrs McTeggart arrive at the police station, and, soon afterwards, Mr and Mrs Pearce.

The inspector carefully questions the parents about the ages of their boys. The McTeggarts tell him that

Patrick really is sixteen. Therefore, since all the boys are under seventeen, he will arrange that the case goes for trial to a juvenile Court. Then after he has made certain that Horace McTeggart is only seven he hands him over to his parents. So Horace's part in the adventure is over for a time.

The inspector tells the parents that they must bring their sons to Court and be present themselves when the case is heard. He then allows the Pearces and the McTeggarts to take their boys home.

But what about Harris? The police officer who went to his home says that his mother, who is a widow, will have nothing to do with him and will not come to release him. She says that he has been giving her nothing but trouble since he left school. The inspector, if he thought it wise, could let him go with only his own promise to appear at the juvenile Court. He decides, however, that as the boy is only fifteen and his mother takes no interest in him he is not likely to keep his promise. He orders that, until the juvenile Court opens, John Harris is to be detained in the Remand Home.

A policeman takes him off to the Remand Home, and the police station settles back into its former calm.

CHAPTER TWO

THE COURT

English juvenile Courts differ from the adult Courts in several ways. Anyone may attend an adult Court if there is room, but the public are not free to enter a juvenile Court. A person who wishes to do so must first obtain permission from the magistrates, and this will be given only if they think he has a good reason for wishing to be present: for example, if he is doing social work amongst children, or if he has shown some special interest in a child who is coming before the Court.

Another important difference is that, although representatives of the newspaper press must be allowed to be present in the juvenile Courts, just as they are in the adult Courts, they are not allowed to publish the names and addresses of the children charged, nor the names of their schools, unless they are given permission to do so by the Home Secretary. This is very rarely given.

As a result, proceedings in the juvenile Courts are very seldom made public. Most people agree that this is desirable, even though it breaks away from the practice that justice should be administered in public so that everyone can see that persons accused are given a fair and patient trial.

A number of children who commit crimes do so in order to attract attention to themselves. If they found a Court crowded with people, and long reports of what

they had done in the newspapers, they might feel proud that they had attracted so much public attention, and that it would be a pleasant thing to do so again. Also some parents and children think that once their names have appeared in the newspapers, everyone will know that the children have appeared in Court. Thus they will be marked as criminals and cannot hope to live an ordinary life. Therefore they are glad to know that the names will not be printed.

Let us suppose that the magistrates have given us permission to attend the Court where the McTeggarts and their friends are to be tried. We find it held in the Town Hall some distance from the adult Court. If the magistrates cannot find a suitable place elsewhere, they can hold the juvenile Court in the same building, even in the same court-room, as that in which they try adults. But the juvenile Court proceedings must be kept entirely separate from those of the adult Court.

This custom of holding the juvenile Court in a building quite apart from the adult Court is an excellent one for many reasons. The children run no risk of meeting people of bad character such as are always to be found in the adult Courts. Secondly, the magistrates are continually reminded that in a juvenile Court their first aim is to reform and save the children who are brought before them, rather than to punish them. Punishment in the juvenile Courts is never to be used as an end in itself, but only in order to reform the children.

The Act which tells the magistrates how they should try juvenile delinquents—the Children and Young

Persons Act, 1933, Section 44—says that, 'Every Court in dealing with a child or young person who is brought before it, either as being in need of care or protection, or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.' As this is by far the most important Act which magistrates have to remember when they are trying children, they are less likely to forget this basic rule if their attention is directed to children and to no one else.

We enter the Town Hall and find the room in which the Court is to be held. It is a large room, simply furnished. There is a table at one end for the magistrates, and two other tables, one along each side, at which various officials, who will assist the magistrates, are already seated. They are busily occupied with their papers and reports.

A typewritten list of the cases the magistrates have to try is lying on their table. While we are waiting for the boys to arrive, let us look at it. It contains sixteen names of children, together with their ages and the offences they are said to have committed. Some way down, grouped together, we find the names of our friends the McTeggarts, John Harris and William Pearce.

Only two of the sixteen names are those of girls. As it happens, in England as a whole eight times as many boys as girls come before the Courts. Men and boys are far more ready to break the law and to cause

disorder ; many women would never come into Court if they had not been influenced by men to take part in some crime, such as looking after or using property which they know the men have stolen.

There are bad women and naughty girls, but they are exceptional. On the whole, women are a great force on the side of law and order. On the other hand, when women and girls do take to criminal ways, they are a far more difficult problem than men and boys.

Of the two girls whose names appear on the list, one is charged with the comparatively small offence of travelling on the railway without paying her fare ; whilst the second is not charged with an actual offence at all. She is Rita Maxwell, aged sixteen, and against her name appear the mysterious words, 'Care or protection'. We shall see later what happened to her.

One of the fourteen boys is charged with throwing stones. All the rest are accused of stealing or of breaking into and entering a shop with intent to steal. These are the offences committed by the great majority of boys who get into trouble. They see something and they feel they must possess it at once, no matter what they do to get it, and no matter at what expense to other people's rights or feelings.

Also, they are often urged on by a desire for adventure, and no one is more surprised than they to learn that their adventures are criminal. They feel like the discoverers of some new country where treasures are lying about waiting to be claimed by the first person finding them. Or perhaps they seek to share the

excitements of an adventure story and, like William Tell or Robin Hood, to resist authority. It is not easy for some boys to see the difference between the action of these heroes and their own behaviour.

A last glance at the list shows us one thing more. Most of these boys are between the ages of twelve and fourteen. This is not surprising, because it is just at this age that the boy is breaking loose from the discipline and control of home and parents. He feels the strongest temptation to take things which he cannot otherwise hope to possess, because he has not begun to earn the money needed to buy them. He lacks the knowledge which age and experience bring, that a time will come when he will be able to obtain in a lawful manner the things which he wants.

A door behind the magistrates' table opens, and the magistrates enter followed by their clerk. There are three magistrates, two men and a woman. In the adult Courts there is no limit to the number of magistrates who may sit to try the charges—sometimes there are as many as twelve, but it would be a confusing experience to many children, if not to all, to find themselves faced by so many judges. It is a wise rule, therefore, which limits the number of magistrates to three. There must be one woman and two men, or two women and one man. When magistrates sit in a juvenile Court, they have greater powers than when sitting in an adult Court. In the juvenile Courts, they can deal with any criminal offence of which a juvenile is charged except such a serious matter as murder. Charges of these offences

against juveniles are extremely rare, so we may say that the magistrates of the juvenile Courts deal with almost all criminal offences against persons under seventeen. Hardly any are sent to the higher Courts for trial before a judge and jury. The powers of the magistrates when they sit in the adult Courts are not nearly so great. They may deal with a number of less serious offences such as damage and assault and, if the accused agrees, stealing and fraud ; but there are many offences they cannot try at all. The offence of breaking into a shop, for example, which is the charge facing the McTeggarts, is one. These have to be tried before a judge and jury.

CHAPTER THREE

THE TRIAL

Like most magistrates in England, the three who are sitting at this Court are not professional lawyers. Magistrates are chosen and appointed from among people who take an interest in public affairs, and those who sit in the juvenile Courts are especially interested in young people. Some are schoolmasters and teachers. Some are workers in youth organizations who freely and willingly give their time to such work. Others are engaged in similar kinds of work in poor districts.

At the side of the magistrates' table sits a fourth man, the Clerk of the Court. He is a trained and experienced lawyer, and it is his duty to advise the magistrates on the way things have to be done. At most Courts, the magistrates allow him to direct the trial until they decide whether or not the children are guilty of the offences they are charged with.

As the children are brought in, we notice that it is the clerk who tells them what they are accused of. He then explains it in simple words and asks each child in turn if he is guilty or not. If the plea is guilty, the magistrates then listen while someone, usually a police officer whose duty it has been to prepare the case for the Court, tells them what the child has done.

If the child says he is not guilty, then the witnesses are called one by one. After they have given their

evidence, the clerk tells the child that he can now give his own description of what happened.

After the child has done this, he is next asked if he has any witnesses to call in support of his story. If he has, these are heard. Then the magistrates decide whether the child has committed the offence or not, and the first stage of the trial comes to an end.

This, of course, is only a short outline of the trial. Let us see in greater detail what happens when the McTeggarts and their companions are brought in.

They stand in front of the magistrates, and their parents are given seats behind them. The chairman is very careful to see that all the parents are present. The boys could be tried in the absence of their parents, but it is thought so desirable that the latter should be present that the magistrates usually demand their attendance.

Very often, it is as much the carelessness or stupidity of the parents as the fault of the child that has led to its delinquency. The aim of the magistrates is to make clear to the parents no less than to the child that, if such behaviour continues, some very serious action will be taken to put an end to it.

The trial opens with the clerk addressing all four boys:

‘You are charged’, he says, ‘with breaking into a tobacconist’s shop with intent to steal.’

Then he explains what this means.

‘What the police say is that you broke a window at the side of the shop. Then some of you got through the window and opened the door to the others. After that

you began to steal the sweets and cigarettes which you found in the shop. You know what it means to steal, don't you?'

The boys say that they do.

'What does it mean, then?' asks the chairman.

'You, William Pearce, what does it mean to steal?'

'Taking things,' replies William after a long silence.

'It means taking things that belong to other people, and keeping them for yourself,' says the chairman.

The clerk continues.

'You, Patrick McTeggart, and you, John Harris, are both over fourteen, aren't you?'

'Yes sir,' they reply.

'As you are over fourteen you have the right to be tried by a jury at another Court, but if you like you can be tried at this Court to-day. Do you wish to be tried at this Court?'

Both reply that they do.

The right to be tried by a jury in England is a very old one. A jury consists of twelve men and women chosen from a list of persons who have a vote in the election of members of parliament. It is their duty to hear the evidence against any of their fellow-countrymen who are charged with an offence, and then to decide whether they think it proved. But as trial by jury is rather long and expensive, the magistrates have been given the right to try certain charges themselves if the accused agrees. If he does not agree, then the charges must be decided by a jury.

Of course, even in an adult Court, persons charged

with small or unimportant offences, have no right to trial by jury. Defendants in serious criminal charges, however, such as stealing and violence, have this right, and can only be tried by magistrates if they consent. As we have already seen, many of the most serious criminal charges against adults cannot be dealt with by the magistrates at all but must be tried by a jury.

In the case of juveniles, that is, persons under seventeen, all serious charges except murder can be dealt with by the magistrates. But boys and girls over fourteen are still given the right to be tried by a jury if they wish.

Juveniles are divided by the Children and Young Persons Act, 1933, into two classes. Those aged fourteen and under seventeen are 'young persons'. Those below fourteen are 'children'.

'Children' have no right to claim trial by jury. They are all tried by the magistrates unless they are charged with murder; then the trial must take place before a jury. This is why the clerk asks Patrick McTeggart and John Harris if they wish to be tried by the magistrates, but does not put the same question to the two boys who are under fourteen.

Why should they be treated differently? Most people will say because the two younger boys cannot understand what is meant by a jury, and what the difference is between being tried by a jury and by the magistrates. But there is a more likely reason than this. The two younger boys cannot be sent to prison under any circumstances, while the two older boys can be detained in the Remand Home as a punishment. Also, boys over

sixteen are sometimes sent to a special kind of prison, called a Borstal Institution, for as long as two or three years.

Now it is one of the rules of English law that no one shall have his liberty taken from him unless he has been given the right of trial by a jury of his fellow citizens. As boys over fourteen may be sent to prison, although they rarely are, the right to trial by jury is open to them.

After the clerk has offered this right to the boys, he asks each one in turn if he pleads guilty or not guilty to the offence he is charged with.

‘Guilty,’ replies Patrick McTeggart.

‘Guilty,’ says John Harris.

Michael McTeggart hesitates.

‘I wasn’t in the shop,’ he says at last.

‘Well, were you keeping watch outside?’ asks the clerk.

‘I was and I wasn’t,’ replies Michael, not giving way.

‘If you were keeping watch for the others while they went in to steal, that’s just the same as if you went in yourself, isn’t it?’

‘Yes,’ agrees Michael, slowly and unwillingly.

‘And what about you, William Pearce?’ asks the clerk, turning to the last defendant.

‘Yes,’ whispers William, although he does not seem to understand what the question means.

‘I suggest we enter a plea of not guilty in the case of the last two boys,’ says the clerk to the magistrates.

‘Very well,’ replies the chairman.

‘First witness,’ calls the clerk.

The first witness is the tobacconist. He says he locked up his shop one evening and when he came back the next morning he found a window at the side broken open, his shop in great disorder, and a lot of the goods missing. He is shown the sweets and tobacco the police found on the boys, and he says these are exactly like those he has lost. After he has finished his evidence, the two boys who have pleaded 'not guilty', and their parents, are asked if they wish to ask the tobacconist any questions.

The next witness is the policeman who first found the boys. He describes how he saw Michael McTeggart outside the shop late at night, looking up and down the street and behind him into the shop. Then he tells the magistrates how he came back with other officers and arrested all the boys.

The first part of his evidence, of course, is directed against Michael, to show that he was keeping watch for the others. The clerk makes this clear to Michael and asks him if he wants to question the officer about it.

'You say I was watching?' asks Michael.

'You were. You were standing outside,' answers the policeman. 'You stood outside and didn't move for more than ten minutes.'

This completes the evidence against the two boys, and Michael is now asked if he wishes to tell his story. He is told that he may give evidence and may call witnesses.

However, he refuses all these offers and contents himself with saying:

'I was there, but I didn't go in.'

The magistrates talk together for a moment and then the chairman says :

‘ We think Michael is guilty. We have no doubt that he was keeping watch for the others.’

They then turn to William Pearce. He gives the magistrates more anxiety than Michael. We saw in Chapter One that, when Horace McTeggart, aged seven, was brought to the police station, the police found that he was too young to be charged. As we have seen, no child under eight years of age can commit a criminal offence. The law also assumes that between the ages of eight and fourteen a child is too young to commit a crime, unless the Court thinks that the child really understood that what he was doing was wrong. If the Court thinks the child knew that what he was doing was wrong, he will be charged.

‘ Now, you, William,’ says the clerk, ‘ do you want to say anything about this? ’

‘ I went there with the others,’ he says. ‘ I wanted some sweets.’

‘ But you knew the sweets didn’t belong to you? ’

‘ Yes,’ agrees William.

‘ And didn’t you know it was wrong to take other people’s sweets? ’

Once more the magistrates discuss the case together, and they all agree that William knew that what he was doing was wrong. They think that those who have charged him with an offence have proved that they are right ; they have proved their case against him. They also think that William has shown that he himself knew

he was in the wrong. And so they find him guilty too.

Some people, reading this account of the trial of these four boys who were caught in the very act of stealing, will say : ' Why make so much fuss ; and why so much unnecessary talk ? It is quite clear that these boys were stealing. Why waste time, hearing all this evidence and following all these complicated legal steps in the trial and attempting to explain them to the boys ? '

Fortunately most people do not share these views. No one has a stronger sense of justice than a child. If we wish to reform a delinquent child it is most important that first of all we should make him feel that the offences of which he has been accused have been carefully and fairly tried. He must feel that what is said against him is true. The child will not work with us in our attempts to reform him unless we make him feel that he has been justly treated from the very beginning.

If the police or the education authorities or anyone else were given the right to send a child away from his home to a school, to a hostel, or to prison, without making him appear before a court of independent judges or magistrates, before long there would be a serious risk of children being arrested and taken away from their parents without a sufficiently good reason.

Law and order are established in the State to restrain not only the evil-doer, but also those who are too ready to interfere in the lives of others.

In some other countries we see what may happen when accused people are not given a fair and open trial.

We are often told that this may be true of adults but not of children, because everything is sure to be done for the good of the children. This argument sounds true, but we must not be misled by it. If we wish to bring up children to be worthy and useful citizens, the foundation of our efforts must be to deal justly with them. So strong is their sense of injustice that many patient efforts to build without this foundation have ended in failure. Certainly, if we can make it plain to them that we are anxious to come to a right decision about the charges against them, our efforts will not be wasted.

CHAPTER FOUR

PARENTS AND SCHOOL

The chairman announces the decision of the Court.

‘We find all four boys guilty.’

Fifty years ago, this would have brought the magistrates nearly to the end of their task. They would have asked if any of the boys had been found guilty of an offence before, and would then have dealt with them. They would have sent to prison or to a reformatory, for several years, any of the boys who had appeared in Court before. Then they would have allowed the others to go back to their homes after giving them a solemn warning that, if they committed any offence in future, they too would be sent to prison.

Happily things have improved since then. Magistrates to-day do everything they can to find out the cause of the delinquency, and to prevent it from happening again.

As far as possible they try to bring about this reformation in the child’s home. They think it is best for the child to learn to be honest and a good citizen in the place in which he has to live and work. Sometimes, however, they feel it will be useless to allow the child to remain in his own home, and dangerous to other children. Then they send him to a special school or hostel or, in very exceptional cases, to prison.

The chairman now turns to the parents.

'Do you wish to say anything about your boys?' he asks the McTeggarts.

This is not the first time that the young McTeggarts have appeared in Court. Usually their parents have a great deal to say, and they accuse everyone of being against their boys. But to-day they are silent. They have heavier matters troubling them. The day after their sons were arrested, the police searched their house and found a large quantity of tobacco and cigarettes. Some of it had been taken from the same shop in which the four boys were arrested. There is every reason to think that Mr and Mrs McTeggart encouraged their children to break into shops and steal from them. The punishment for knowingly and purposely leading children into wrong ways is always severe.

'What about you, Mrs Harris?'

'I'm a widow,' she replies. 'I can't look after my boy as much as I should like, because I have to go to work. I knew he would do something wrong, because he will go with the McTeggarts, and he won't keep his work. I can't make him get up in the morning.'

'And you, Mr and Mrs Pearce?'

'We didn't know our son was out,' explains Mr Pearce. 'We put him to bed and he must have got out without our knowing. I won't allow him to do it again.'

Next the magistrates turn to the schools officers. By looking through the school records one can often find when a child is beginning to go wrong. The juvenile Courts are right in thinking that these records are very important.

An official from the schools gives details of the McTeggarts.

'They attend school very irregularly,' he adds. 'Sometimes they come, but often they don't. We have had the greatest difficulty in making them come. And we don't feel that Mr and Mrs McTeggart have tried to help us.'

'As for John Harris,' he continues, 'he attended fairly well until he was thirteen. Then he was often absent. He was backward and said he didn't like his lessons.'

Here is the way in which a child often becomes a delinquent. He is slow and stupid and backward. He does not learn as quickly as other boys, and he finds himself in a class with younger children who laugh at his stupidity. School life becomes disagreeable, and he hates having to go. He begins to stay in the streets, but he finds nothing to do. He meets other boys like himself, and sooner or later they go wrong.

Many children hate doing badly in life, and if they cannot succeed at school they look for other ways of being successful. Crime is one of these ways. They feel that even this is better than succeeding in nothing, and it makes up to them for their other failures. They think that if they can steal successfully they are, after all, as good as other boys ; or they may steal in the belief that by so doing they revenge themselves on people who have scorned them and treated them unkindly.

'And William Pearce?' asks the chairman.

'William, too, has been staying away from school.

It has only begun, lately,' adds the schools officer. 'Michael McTeggart, though three years older, was in the same class as William Pearce, and his teacher thinks they've been too much together.'

'But why weren't we told he wasn't going to school?' demands Mrs Pearce.

'He has only been absent the last few weeks,' replies the schools officer. 'One of our inspectors would have seen you about him this week if he hadn't been brought here.'

'It may be a good thing that he has been caught,' the chairman tells William's parents. 'We can hope we shall be able to do something with him now.'

The chairman's next question is again directed to the schools officer.

'Have these boys committed any criminal offences before, of which the police have records?' he asks.

'I am afraid they have,' he replies, 'all except Pearce.'

'Are the home conditions of the Pearces good?' asks the chairman.

'Excellent.'

'Then you can take William home with you now,' says the chairman to his parents. 'But we shall want to see him again next week when we shall have fuller reports from our probation officer.'

So William and his parents leave the Court.

'Patrick McTeggart', continues the schools officer, 'has already been charged four times before, three times for stealing and once for breaking and entering. For the

third and fourth offences, he was sent to an Approved School and on the second occasion ran away.'

'And Michael?'

'Michael McTeggart has been charged three times with stealing. He was placed on probation each time. He has a very bad home.'

'What about John Harris?'

'Harris has been charged once before with stealing. He was charged together with Michael McTeggart, and he too was placed on probation. We feel his mother isn't able to look after him. He's getting too much out of control.'

'Very well,' says the chairman. 'We can't decide what we shall do with these boys until we've had a report on them from our probation officers, and on Harris from the psychologist. We shall not finish hearing this case to-day. We shall finish it next week. Meanwhile the boys will stay in our Remand Home.'

THE REMAND HOME

Fifty years ago children who were detained after being found guilty of a criminal offence were sent to ordinary prisons. This, of course, was extremely unwise, because in prison they met older prisoners who encouraged them in their delinquency and told them about new ways of breaking the law. Now, like John Harris and Michael McTeggart, they are sent to Remand Homes.

There is a big difference between the two. A prison is part of what is called the 'Penal System'. The word 'penal' has a Latin root which means 'punishment'. That is to say, one of the chief purposes of the 'Penal System' is to punish wrong-doers. The Penal System is under the Home Office; at the head of it is the Home Secretary. Remand Homes, however, are part of the educational system under the Ministry of Education. If children are sent to a Remand Home, therefore, they do not suffer the disgrace and control of being sent to prison.

Usually a Remand Home is like a big house. Indeed, many were once private houses and have been bought for this new purpose. While the children are detained there awaiting the decision of the Court, or until they can be sent on to an Approved School, they are examined. If the magistrates wish, they are seen by a psychologist and the probation officer. All make written reports

which are given to the magistrates when the child next appears at Court, usually a week later.

Sometimes the delinquency may be due to a physical cause. If it is, the medical report is likely to show this. Some time ago, a boy was charged with stealing. The magistrates were told that he was not allowed to join in school games because he had a weak heart. He was allowed to amuse himself as he liked, so he began to use his energy in entering shops at night to steal. The doctor at the Remand Home found no sign of a weak heart. The boy was allowed to go back to his games, and happily his criminal life came to an end.

The psychologist is asked to examine a child whenever it is thought that his mind is not working in an ordinary way like the minds of other boys. Many children who are detained come into this class. The psychologist's reports are very valuable to the magistrates.

First of all, they tell them whether a child's mind is of the usual standard, or whether the child is mentally defective or insane. Many backward children are so like mentally defective children that only an expert can judge to which group they belong. If a child is mentally defective, he may be sent to a school where the teachers are specially trained to look after such children. If the child is only backward, perhaps all he needs is special teaching or to be put in a class of other backward children. There he will not feel that he is backward. In any case, if the magistrates decide to take him away from his home, they would not send him to an

institution for mental defectives but to an Approved School.

Or again, the psychologist may be able to discover that the child is afraid of something, or that he is hiding some feeling which makes him behave differently from other children. Perhaps they find that his parents are not bringing him up wisely. It has been found, for example, that many delinquent children wet their beds while sleeping. Their parents have tried to break them of this weakness by laughing at them or punishing them. In many cases children treated thus unkindly have committed some criminal act to recover their faith in themselves.

That is what the psychologist thinks is the cause of the child's misbehaviour. Whether this is true or not, when children have been treated sympathetically instead of being punished, after doing something they could not help doing, their delinquency has often ended. In time, also, their weakness disappears.

In many ways the psychologist has been able to give very practical help in enabling people to understand the problem of juvenile delinquency, and we may be sure his work will not end here. In years to come, the psychologist will probably be allowed to give long treatment to difficult children who, to-day, are generally sent to an Approved School.

It may be that in the fight against juvenile delinquency these psychological treatments are the most hopeful development for the future. Many people do not appear to have realized yet the difference between a

psychological examination and psychological treatment. A psychological examination is only a first step to see whether psychological treatment is needed. The second step is to give the treatment which has been advised after the examination. This has often proved to be very successful. It is hoped that in future it will be made possible for children to have treatment whenever the psychologist thinks it necessary.

The psychologist has been asked to examine only one of the four boys whose actions we have been following: John Harris. He has a long talk with the boy, then with his mother, and finally with the probation officer.

He reports that the boy is suffering from no psychological trouble except a slight sense of inferiority. This is a very common trouble in children. He adds that the boy's mother has been too ready to let him do what he likes. Though John has once before been found guilty of stealing and has been placed on probation, the psychologist recommends that he should have a second opportunity, this time under a male probation officer, and that for the next six months he should live in a hostel. After that he will probably be so glad to be home again that he will be very careful never to commit any more offences, or to give his mother any more trouble.

THE MAGISTRATES' DECISION

We saw that the case was remanded for a week. It is now a week later. The four boys stand once more before the magistrates. On the table lie the reports of the doctor and the psychologist; and those of the probation officers are placed beside them.

After reading the three reports the chairman says:

‘We will deal first with the McTeggarts.’

During the previous week, Mr and Mrs McTeggart have found themselves more and more in difficulty. The day after their boys first appeared in the juvenile Court, they themselves appeared before the magistrates in the adult Court and were found guilty of receiving stolen goods. Mr McTeggart was sentenced immediately to go to prison for six months and his wife for three. They now appear in Court accompanied by prison warders and wardresses.

And against Patrick McTeggart is a new charge of escaping from an Approved School he had been sent to for an earlier offence. The clerk tells Patrick about this charge and the boy admits his guilt.

‘As the probation officer in his report criticizes your conduct, Mr and Mrs McTeggart,’ continues the chairman, ‘it is my duty to tell you what he says.’

He reads the report aloud. It begins with a great deal of detail about the family: the age of the parents, their

children, their religion and their work. This is how the probation officer ended his report:

‘I have no doubt whatever that the home influence in this case is entirely bad. Unless these boys are removed from their parents, it will soon be impossible to stop them from stealing. They will never learn to make their living in an honest and regular way. Mr and Mrs McTeggart have been sending their boys out to break into shops to steal, and have been selling the stolen cigarettes and tobacco to people they have met in public houses.

‘Probation has already been tried in the case of both Patrick and Michael. I felt all the time that the parents were destroying any good effect that I may have had upon them. They are now a danger not only to themselves but also to other boys in the neighbourhood. I do not think that either John Harris or William Pearce would have been in trouble now had they not met the McTeggarts.’

‘That is what the probation officer says,’ adds the chairman, after he has read the report to the parents. ‘Is there anything you want to say about it?’

Mr McTeggart answers that he has not encouraged his boys to steal, and Mrs McTeggart complains that the probation officer has always been against her.

‘I am not surprised at that,’ says the chairman. Then after hearing the views of the other magistrates he gives the decision of the Court.

‘We entirely agree with the probation officer,’ he says. ‘These boys are a danger to themselves, to other

boys and to the public. Patrick, you will now go to Borstal for two years, and you, Michael, will go to an intermediate Approved School.'

Then the magistrates turn to John Harris. They study the reports about him for a moment, and then the chairman says to the boy :

' Our probation officer tells us you are behaving very badly at home. He says you won't get up in time for your work and you're quite content to let your mother go to work to keep the home together. Is that true? '

' Yes, sir,' answers John, hanging his head.

' Aren't you ashamed of yourself? ' demands the chairman severely. ' You should be glad to be able to earn your living and help your mother now that she has lost your father. Instead of that you are becoming a lazy good-for-nothing.'

He turns to Mrs Harris.

' Our probation officer, Mrs Harris, thinks you are too easy with your son. We think it will do him good if he is sent where the discipline is strict and where he will have to do as he is told.'

' Oh, sir,' exclaims Mrs Harris. ' You are not going to send him to a School? '

' That's where he'll go if he comes here again,' replies the chairman. ' For the present we shall place him under Mr Brown, our probation officer, but he must live in a hostel for six months. If at the end of that time the probation officer gives us a good report, we may allow him to return to you. But if he doesn't keep his work, or if he gets into trouble again, he will certainly go to a School.'

And now only William Pearce remains.

Again the magistrates turn to the reports, and then the chairman says, 'Let William go out of Court for a moment. I should like to speak to his parents alone.'

(After the magistrates have decided that a child is guilty, they can, if they wish, talk to the child or to his parents alone.)

When William has gone the chairman continues, 'You know, Mr and Mrs Pearce, our probation officer thinks you are too strict with your son William. You never let him mix with boys of his own age.'

'The boys in the street behave badly,' answers Mrs Pearce. 'And they don't talk in a very nice way.'

'Perhaps that is true,' replies the chairman. 'But your son is full of life and energy, and if you try to keep him away from boys of his own age he will break out as he has done now, and instead of mixing with boys you know, he may make friends with some very bad boys. That, I'm afraid, is what he has done.'

'That's quite right, sir,' agrees Mr Pearce. 'We've been too strict with him.' To his wife he adds, 'He's not a baby now.'

'Now what we are going to do,' continues the chairman, 'is to place him on probation under Miss Wilkinson, who is one of our probation officers. She thinks he ought to join the Boy Scouts. That will be far better than wandering round the streets at night with nothing to do.'

William is brought back and told what has been planned.

On being told that he is to join the Scouts he is very happy.

'I always wanted to join the Scouts, but mother wouldn't let me,' he says excitedly.

The chairman ends with a simple explanation of what it means to be 'placed on probation'.

'During the next twelve months, you'll have to go and see Miss Wilkinson whenever she wants you to. And you, Mr and Mrs Pearce, will have to help her when she tries to help your son. She will see that he is going to school regularly, and if he doesn't, she will bring him back here.'

'And you know, William, if you are brought back again for stealing or not doing as Miss Wilkinson tells you, I'm afraid it will mean that you will be taken away from home and sent to a School for a very long time.'

So the Court proceedings end. Most readers will agree that the inquiry has been careful, thorough and very fair. The magistrates, helped by trained social workers, have been able to deal wisely with all four boys through understanding the differences between them. In this way the juvenile Courts have become much more than a branch of the criminal law. They are now a very important and powerful addition to the organizations already set up to improve social welfare. They are able not only to decide whether a crime has been committed, but also to find out why it has been committed and to decide what steps should be taken to prevent anything of the kind happening again. Then, most important of all, having decided what needs to be done, they have the power to see that it is done, and done quickly.

CHAPTER SEVEN

PROBATION IN PRACTICE

Many people think that the method of placing delinquents 'on probation' is too weak. Therefore, let us see what probation means in practice, by following the lives of John Harris and William Pearce a little further; but first let us ask what else the magistrates could have done instead of placing these boys on probation.

A few years ago they could have whipped Michael McTeggart and William Pearce. But this power has been abandoned, and even when it existed the magistrates could only whip boys under fourteen. It would have been very unfair to whip the two younger boys when similar treatment could not be given to the older ones.

Besides, whipping is not considered a wise punishment, and even when it was allowed in England scarcely half-a-dozen boys a year were whipped. Such punishment does not make a boy want, or try, to be better. Often it only hardens him.

The magistrates could have fined the boys. But a fine would not have cured John Harris's lazy ways, and without doubt his mother would have paid it out of her own hard-earned wages. If William Pearce had been fined his parents would have had to pay, and the lively child would have forgotten all about it after a few weeks.

If their home conditions had been as bad as were

those of the McTeggarts the magistrates might well have sent John Harris and William Pearce to a School, but in this case, where conditions were better, the magistrates would hesitate to take this step. Whenever possible they want delinquent children to grow up in the neighbourhood where they will have to live and earn their living, and where, as they grow up, they will be sure to meet with and learn to overcome temptation. While they are at the Approved School they are protected from these temptations. There, they are like plants in a sheltered garden. But when they leave, as sooner or later they must, they have to meet the old temptations once more, and then they may find them harder than ever to resist.

Although most children (about 80 per cent) who leave these Schools do not fall back into criminal ways, the remainder do, and these are enough to form one of the great social problems in England.

The probation system is valuable chiefly because it enables the probation officer to keep a watchful eye over a delinquent without removing him from his ordinary surroundings. The best way to show how this is done is to describe what happens to John Harris and William Pearce.

First, let us visit Miss Wilkinson a few weeks after William Pearce has been put under her probation. She has an office in the district in which she works, and here she sees her probationers, usually weekly at first and afterwards, if they are making good progress, at longer intervals.

William Pearce is making his weekly visit and he is very surprised when Miss Wilkinson asks him :

‘ Why weren’t you at school last Wednesday afternoon ? ’

William is astonished. This is the first time since he appeared at Court that he has been absent from school without good reason. He had no idea Miss Wilkinson kept such close touch with the school teachers.

‘ I’m afraid if you start staying away from school again ’, continues Miss Wilkinson, ‘ I shall have to take you back to Court.’

William is very frightened.

‘ I won’t stay away again, Miss. I promise I won’t,’ the boy answers.

‘ You see what a bad thing it is to stay away from school, don’t you ? ’ asks Miss Wilkinson. ‘ You get behind in your lessons, and you meet boys like the McTeggarts. Do you want to be sent away from home as they were ? ’

William leaves the office feeling that probation is a very serious matter.

And now let us see what is happening to John Harris.

Half an hour after he leaves his mother at the juvenile Court, he is taken by Mr Brown, his probation officer, to meet the warden of the hostel where he is to live for the next six months.

The warden is a huge man. His face is severe, but he has smiling eyes.

‘ You find it difficult to get up in the morning, my boy ? ’ he says to John. ‘ We’ll cure that.’

John sighs. At home, he did not have to get up until his mother brought him a cup of tea. He feels that to-morrow morning will not be quite the same.

'What work have you been doing, John?' demands the warden.

'I work for a builder,' answers John.

'Good,' replies the warden. 'You can start work to-morrow morning. We get up at half past six here, John. Breakfast at seven. Start work at eight. In the evening you will help a bit in the kitchen, and then we have games. Have you learned to box? No? It's a useful thing to learn. You learn to bear hard blows and to give them. A boy like you should be good at it.'

While the warden answers a telephone call, Mr Brown shows John to the large room where the boys sleep.

John, by this time, is very unhappy.

'Mr Brown, if you let me go home, I'll go to work. I won't worry mother any more. I promise I won't,' he says.

Mr Brown shakes his head.

'You must do what the magistrates have said,' he replies. 'It's only six months. If you do well, keep your job and get a good report from the warden, then they'll let you go home.'

The warden rejoins them.

'That'll be your bed, John,' he says. 'You'll find that the boys here are nice boys. Only—don't try to escape your share of the work. If you do, your life won't be worth living.'

He remembers something else.

‘Oh, yes, you don’t like getting up in the morning. I’ll show you what we’ve got for that.’

John follows him to the end of the room where the boys sleep. The warden throws back a curtain.

‘This is a cold shower-bath,’ he explains.

‘We pull the chain,’ he continues, and does so. With a fierce noise, the water comes pouring down. John watches it, as a man who has been sentenced to be hanged looks at the rope.

As Mr Brown goes back to his office, we may ask: Who finds Mr Brown and Miss Wilkinson and all the other probation officers who are appointed now to every Court in the country?

They are carefully chosen by a committee of experienced men and women appointed by the Home Secretary. They are given a training in sociology, psychology, and law, and then sent to a Court where they work for a few years under an older probation officer. After this they are given a district of their own.

They are men and women of high character and strong purpose who have chosen the work because they feel a strong desire to help people who are in difficulties. Probably in no other life-work would they find so many opportunities of helping their fellow men and women to live honest and worthy lives.

CHAPTER EIGHT

THE APPROVED SCHOOLS

Michael McTeggart, as we have seen, was sent to an Approved School. Let us pay it a short visit.

In appearance, it is like a large, ordinary boarding school. There is a central block consisting of administrative buildings and big rooms where all the boys can meet together. Grouped round it are about twenty large houses in each of which twenty to forty boys live under the care of a master.

Approved Schools, like the Remand Homes, are part of the educational system and not of the prison administration. (See Chapter Five.) Some were started by charitable organizations, but now most of them are built and kept by the County Councils (the local government), which are responsible for schools and education.

They are called 'Approved Schools' because they have to be 'approved' by the Home Secretary before the magistrates can send delinquent children to them.

These Schools are divided into three grades, junior for boys under thirteen ; intermediate, for boys between thirteen and fifteen ; and senior, fifteen to seventeen. The Schools for girls are divided into two grades, junior and senior.

As Michael is thirteen, he goes to an intermediate School. How long he is to stay there is decided by the Home Secretary and not the magistrates, and depends

largely on the boy's conduct. He may be kept there as long as three years, but usually he is released after eighteen months or two years. If he is under fifteen he may be kept until he reaches that age.

The life the boys lead is very much like that in any other boarding school. Much of their time is spent on lessons. These are usually of a simple character because so many delinquent children are very backward, either because they are very dull mentally or because they have stayed away from school a great deal. As we have already seen, it is astonishing how often a bad school record goes hand in hand with delinquency. One reason amongst many why juvenile delinquency increased so much during the years 1939-45 was because children were removed from their homes in the cities to places where they would be safe from the war ; as a result, the schools became so disorganized that children might stay away for months without being discovered. The ill-effects of this disorganization will be felt in England for many years.

The boys also receive training for any work they want to do later in life in order to earn their living, especially in growing fruit and vegetables, farming and carpentry. In the senior Schools the boys reach a high standard in making the better kinds of furniture. Many of them who want to become sailors are trained at special Schools and from them go into the Merchant Navy. The girls are taught to cook and sew and keep house.

The pupils are allowed a great deal of freedom, often as much as they would have in an ordinary boarding

school. On Saturdays they may be allowed to go to a dance or to see a film at a neighbouring village.

Those who have fairly good homes are allowed to return to them, on holiday, for a few weeks each year. In this way, they do not lose touch with their parents and friends and the life and surroundings to which they will probably return on leaving the School.

But Michael—what about him?

His home is so hopelessly bad that unless his parents change very much for the better, he will not be allowed to spend his holidays with them. This shows us how closely the problems of juvenile delinquency are connected with social conditions.

For two or three years, perhaps, Michael will be carefully watched at the School, trained to study and work regularly, and encouraged to be honest and truthful. Then, he will go back to his parents, probably to irregular work with frequent periods of unemployment. Clearly, the temptations which he will meet are very great.

To reduce juvenile delinquency, we must not only treat the delinquent child himself, but we must also improve the conditions in which he has to live. We must make it possible for his parents to provide him with a happy, comfortable home ; and we must see that he has regular work in which he can take a pride, and opportunities for sport and study and meeting people in his spare time.

When, however, Michael leaves the School, he will not be left entirely alone to look after himself. A social

worker will take an interest in him in the same way as a probation officer looks after his probationers. He will find him suitable work, making sure that he keeps it, and, if necessary, he will find Michael somewhere to live. This social worker is called an 'after-care officer', because he cares for delinquents after they return home, preparing them for the time when they will have to stand alone.

If they make satisfactory progress most of these delinquents are allowed to leave the School before the end of three years. But they can be sent back, and this is often done if they refuse to follow the advice of the after-care officer or get into any further trouble.

BORSTAL

Finally, let us see what Borstal means for Patrick McTeggart.

Borstal Institutions have only one thing in common with the Approved Schools. Both are intended to train young delinquents so that they give up their criminal and unsettled ways.

Apart from this there are great differences. The Approved Schools, as we have seen, are part of the educational system. The Borstal Institutions are prisons and are administered by officials called the Prison Commissioners. At first delinquents sent to them are locked in cells. The discipline is severe and the training hard.

We have seen that many young people become delinquent through some unexpected cause, and if this cause can be found and removed, the boy or girl will probably return to an honest life. There are some young people, however, who take to crime readily and frequently. It is often impossible to cure them in any of the ways we have so far described. And, to avoid sending such young criminals to ordinary prisons, it was decided to start Borstal Institutions where they could be trained to lead honest and hard-working lives.

Delinquents sent to Borstal Institutions are between sixteen and twenty-one. They must have been found guilty of committing an offence for which a person over

seventeen could be sent to prison ; or, like Patrick McTeggart, must have been found guilty of escaping from an Approved School. In practice, few are sent unless they have committed several other offences. There must also be some proof that their criminal habits and their readiness to break the law are so marked, or their association with persons of bad character so strong, that training in a Borstal Institution is necessary. Further, the only delinquents the magistrates are allowed to send to Borstal are those who, like Patrick McTeggart, have run away from an Approved School. All others are sent by the higher Criminal Courts. The longest period is three years.

From this it follows that the young people sent to Borstal are those who have proved the most difficult and lawless. Patrick McTeggart is a good example of this type of youth.

Before being found guilty of breaking and entering the tobacconist's shop, and of running away from his Approved School, he had been already found guilty of four offences of stealing. He proved a failure on probation and had bad reports from both the Schools to which he was sent. Boys like Patrick are most difficult to reform. Since nearly all the young people sent to Borstal Institutions are like him, it is not surprising that more crimes are committed by those who have left a Borstal Institution than by boys who have been in Approved Schools. Whereas the Approved Schools claim that eighty out of every hundred boys and girls sent to them do not return to crime, the Borstal Institutions claim no

higher than sixty. When we consider how hard their work is, however, these are not bad results.

The training is similar to that given in the Approved Schools, but there is far less liberty and much more discipline.

Borstal is the last stage of an organization which has been carefully planned and set up in order to prevent young people from setting out upon unsettled and criminal lives. Its purpose is also to encourage and train them into ways of honesty and good living. It watches over them, helps them to overcome difficulties, and often suffers patiently a good deal of misbehaviour. When boys become at last adults, however, the public has good reason to feel that everything has been done that can be done for those unfortunate persons who seem born to go wrong. If they still continue stealing and robbing, they cannot complain if they are treated with some severity. Nor will society have to feel that men become habitual criminals because of its own lack of understanding in dealing with them when they were young.

Some time ago a judge spoke to a girl of twenty-five in these words :

‘ You’ve been coming into these Courts since you were twelve. Your parents, the probation officers, and the magistrates have done everything they could to encourage you to live honestly. You have had psychological treatment. You have been sent to hostels, to Schools and to Borstal. And now you are back again charged with stealing from other girls who only earn

a few pounds a week : low, mean thefts any good-living woman would be ashamed to commit.

‘A lot of public money has been spent on you to try to help you for your own good and comfort. I don’t think it has been wasted, because it might have helped you as it has helped others. Unfortunately it hasn’t, and now you will go to prison for two years. For the future the choice lies with you, but if you continue in this behaviour, you will finally find yourself in prison under lock and key for many years.’

CHAPTER TEN

PREVENTION BETTER THAN CURE

Now you may say, 'These methods of dealing with delinquent children seem just and sensible, but is it not a pity that they can be employed only after offences have been committed? Would it not be better if something could be done to prevent rather than to cure? Take Horace McTeggart, for example. He was arrested with his brothers, but was set free because he was considered by the law to be too young to commit a crime. What happens to him now? Does he go back to his parents after they are released from prison, and must the Courts wait until he is a little older and has again been found in a tobacconist's shop?'

The answer is—'No. The juvenile Courts can do something about Horace, and indeed have done it.'

A few weeks after his brothers were dealt with, he too was brought before the Court by the police upon a civil charge that he was falling into bad companionship and that his parents were unfit to have the right to care for him and to be his guardians.

The evidence, of course, was that Horace's parents, instead of looking after him properly, were allowing him to run wild and even encouraging him to steal. His bad associates were his own brothers with whom he was caught in the tobacconist's shop.

Where the magistrates think such a case has been

proved they make an order, called a 'supervision' order. In the Civil Law, which is concerned not with crime and punishment but with a person's rights, a supervision order serves the same purpose as a 'probation' order in Criminal Law.

The magistrates' powers, after deciding that such a case has been proved, are practically the same as when they find a child guilty of a criminal offence. The difference is that, in civil proceedings, they cannot detain him in a Remand Home as a punishment, nor can they send him to prison even if he is over the age of fourteen and very undisciplined.

If, however, the magistrates think the child's home is so bad that he ought to be taken away from it, they may send him to an Approved School in the same way as they may do for a criminal offence.

As we know, the McTeggart home was as bad as it could be, and so the magistrates felt they had no choice but to send Horace to a School.

These powers of interfering in the lives of children in order to prevent delinquency are something new in the English legal system.¹

The powers may be used where the child has no parent or guardian, or has parents who are unfit or unable to look after him, and, as a consequence, the child is either falling into bad associations or is open to moral danger or is beyond control.

¹ These powers first appeared in the Children and Young Persons Act, 1933. They allow the magistrates to use them if they find a child or young person to be 'in need of care or protection' as in cases we have already described.

In each case the magistrates must be satisfied on two points, (i) that the parents have no proper control, and (ii) that, as a result, the child is in danger of becoming delinquent.

In the case of Horace McTeggart the law's actions were based on two facts: the parents were unfit to look after him, and the child, as a result, was meeting boys who were leading him into crime.

The law may also act where a child has received or is in danger of receiving an injury to his health or his morals: more particularly in the case of a girl who is the victim of a sexual assault by another member of her household, or has been found in a brothel.

Many girls are brought before the Courts when they are beginning a life of prostitution which their parents find themselves powerless to prevent.

Such a girl, Rita Maxwell, appeared in the list we looked through in Chapter Two. Let us watch what is done about her.

She is brought in with her parents, as are the other children. She is an attractive-looking girl, high spirited, and she is neither shy nor nervous. The clerk reads out the subject of the complaint.

'The police say your parents are not taking proper care of you and as a result you are in moral danger.'

'That does not mean that you haven't done your best for Rita,' explains the chairman to her parents. 'It means that after all you may have done, she insists on going her own way which is full of danger, and you are not able to stop her.'

A policewoman then gives the evidence against the girl. She says she found Rita with a soldier in a house which appeared to be an hotel but was really a brothel. Rita confessed to her that she had been living a life of prostitution for some time.

‘We have done our best to stop her,’ says Mr Maxwell. ‘Many nights I have walked up and down the streets to find her, but she always goes back to it even if I bring her home.’

‘She won’t keep her work,’ adds Mrs Maxwell bitterly. ‘She finds she can make a lot more money living in this way.’

‘Have you anything to say, Rita?’ asks the chairman. The girl meets his eyes boldly.

‘Do you like this sort of life?’ asks the woman magistrate.

‘No,’ answers Rita.

‘Do you know you are upsetting your parents very much?’

‘Yes.’

‘Does that make any difference?’

Rita remains silent.

‘If we help you to find regular work, will you keep it?’ asks the chairman.

‘I’ll try.’

‘If you don’t, I’m afraid it will mean that you will have to go to a School,’ continues the chairman. ‘We find that the case against you is proved. First of all, Rita, you will have to go to our Remand Home for a medical examination.’

'I don't want to go to the Remand Home,' exclaims Rita, who had thought her easy promises would end in her being quickly set free.

'Perhaps not,' replies the chairman, 'but that is our order and you will do what we think best.'

'You can't lock me up for this,' shouts the girl. 'I haven't stolen anything.'

'Let me tell you one thing you have stolen,' replies the woman magistrate quietly. 'You have stolen your parents' peace of mind.'

The policewomen gather round and Rita gives in, realizing that here she is opposed by wills as determined as her own. She also finds that the Courts have greater powers than she had thought.

The following week she is back in Court again. The medical report fortunately shows her to be free of all disease. The probation officer has seen the home of the Maxwells and says it is excellent. The magistrates place her under the care of the probation officer who says she can find Rita suitable work at once.

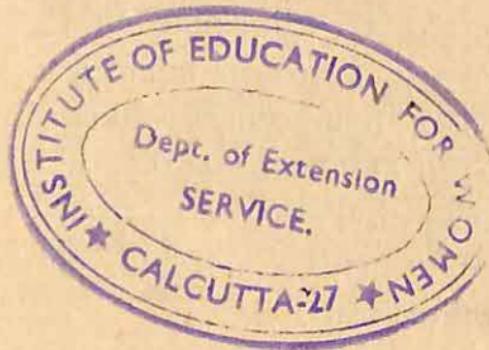
Then the chairman has a talk with Rita.

'Now, Rita, you are going to have the chance of making a new start. Miss James, your probation officer, will help you all she can. Nobody will blame you for what has happened in the past. If you are tempted to leave your work, and go back to prostitution, think of what it means to your parents. Think more of them and less of yourself. And remember, if you do go back—don't blame us, blame only yourself if you find yourself in a School for two or three years.'

As we have said, these proceedings are new in English law. Previously, no one could have his liberty taken away unless he were proved to have committed a criminal offence, or was accused of contempt of court. But these are civil proceedings, and children found to be in need of 'care and protection' under them can be indeed detained, though it may be only the kindly detention of an Approved School.

Sometimes very troublesome delinquents are sent to Borstal. If, for example, Rita Maxwell continues to be difficult and unsatisfactory, she may be sent to an Approved School: If she runs away from the School she may be sent to Borstal just as if she had been sent to the School for a criminal offence.

These powers are not often used, probably not a thousand times a year in the whole of England and Wales; but they have proved of real value, and many a child, thanks to them, has been drawn back from that easy descent which, as so much human experience goes to prove, leads to ruin.



SUCCESS OR FAILURE?

The reader has now had a quick bird's-eye view of British methods of dealing with delinquent children.

Are they a success or a failure?

Many people are very critical of them. Some think the magistrates ought to be more severe ; others think they are not as ready to try out new ideas as they should be.

Let us consider first the criticisms of those who think British methods are too gentle and easy. They say that the patience which the magistrates show has caused the great increase in juvenile delinquency in England.

If you ask them, 'But has juvenile delinquency increased?' they point to the statistics of juvenile delinquency, drawn up by the Home Office, which show that twice as many children were found guilty of serious crime in 1948 as in 1911.

'During those years', the critics say, 'you have spent more money on probation officers, Schools and Courts, than ever before, and yet juvenile delinquency has more than doubled.'

One answer to this criticism is that probably no more has been spent on probation and Approved Schools than would have been spent on prisons and warders. If severer methods had been used many of these delinquent children might have become criminals for the rest of

their lives. Then the country would have had the expense of keeping guard over them.

Another answer is that no figures can be more misleading than those to do with crime. One necessary figure is always unknown. Because many crimes remain undiscovered we never know exactly how many crimes are committed in any one year. All we do know is the number of people actually brought to justice, and it is these figures that have to be used for comparison.

In 1911 no one, neither the police nor the magistrates nor the public, took as deep an interest in the problem of juvenile delinquency as they do to-day. Because they did not like or trust the methods of the juvenile Courts of that time, many people would not charge a child who had committed an offence. They liked and trusted still less the grey reformatories to which children might be sent. As for the police, they would bring into Court only the most serious offences. They would rarely concern themselves with small thefts, and so steps could not be taken quickly to prevent the child from stealing again, as we have seen now happens in the case of boys like John Harris and William Pearce.

This way of looking at things has greatly changed. Most people now understand that the best thing that can happen to a child who is really difficult is that he should appear, as soon as possible, before a Court. Then the magistrates and probation officers, with their long experience of such children, will be able to study his case and make sure that the child receives the treatment which they advise.

In this book we have seen what happened to five boys and a girl.

Can it be said that it was a bad thing for John Harris to be brought before the Court and to be taught the value of his home by being taken away from it for a few months? Or for William Pearce and his parents, who were protecting him from life too much, and in consequence causing the very behaviour they were so anxious to avoid? Or again for Rita Maxwell—was it a bad thing for this girl to find that she could be brought before the Court so soon, and that for a few years at any rate, and possibly always, she would profit from its guidance?

These cases are not exceptions. They have not been carefully chosen in order to uphold the methods of the juvenile Courts of to-day. In every juvenile Court in this country we shall find boys like Harris and Pearce and girls like Rita Maxwell, who have got into much the same troubles, for much the same reasons ; and we shall find the magistrates and probation officers dealing with them in much the same way and indeed with much the same success. Such children often make one or two appearances before the Courts and then are seen no more. The patience and understanding of the magistrates in dealing with the delinquent often leads to a lifetime of good citizenship for the young person before them.

The extent to which crime exists among us cannot be measured by statistics alone. For example, in a district where the police are very efficient, they will be more successful in finding and arresting criminals than in a

district where the police force is not efficient. From statistics, there may appear to be more criminals in the first district. That, however, may not be so ; the truth may simply be that the police there are catching a larger proportion of those who have committed crimes.

In a newer country, there are a number of actions which, although wrong in themselves, are not punished by the law. As a country advances, so an increasing number of wrong actions become offences in the eyes of the law, and the offenders can be arrested by the police. From statistics, therefore, it may look as though crime increases as the country develops. The truth may be that more actions become criminal offences.

One great cause of the increased number of crimes recorded in the statistics is the growth of our personal possessions. In primitive communities people own very few things, and there is very little to be stolen. In this machine age, however, people living in highly industrial countries possess a great number of articles, many of which they do not look after very carefully. Their owners leave them unguarded, and they become a continual temptation to all those who have none of their own. A large number of those so tempted, of course, are children.

Thefts of bicycles illustrate this point. In London more bicycles are stolen than any other single article, many of them by children and youths. In 1900 no bicycles were stolen. Are we then to understand from this that the young people of to-day are less honest than those of 1900? Clearly not ; because in 1900 there were

probably not more than a hundred or two bicycles in London, and we may be sure that their proud owners took good care of them.

Most juvenile delinquents are found in big towns. They are rarely found in villages. This is not because the town children are more dishonest than village children, but because they have far greater temptations, and many who fall would not have done so if the property they have stolen had been more carefully guarded.

Juvenile delinquency, then, is far too complicated a problem to be solved merely from the criminal statistics, but there is reason to believe that present-day methods of dealing with child delinquents in Europe, the U.S.A. and the nations of the British Commonwealth are proving successful.

In all these countries the method of probation is followed. Few countries now send young persons to prison except in the most unusual circumstances. The aim is to reform the child without removing him from his home and ordinary surroundings, as we saw done in the case of John Harris and William Pearce. Only where the home is unsuitable are the children taken away from it and then sent, not to a prison, but to a School. When so many countries are proceeding on similar lines, they are probably sound lines.

Besides, the habitual criminal who has to be sent to prison again and again is most certainly becoming less common. In England, thirty years ago, one often found in the adult Courts a man of sixty whose record opened with a sentence of several years in an industrial school

or reformatory at the age of ten or fourteen, and who, ever since, had been going in and out of prison. To-day it looks as though there will soon be far fewer of these habitual criminals.

What is the reason for this change? Almost certainly it is partly because the Courts send offenders to prison much less than they did, and are far more thoughtful in the way they deal with individual delinquents. Nowhere is this more noticeable than in the juvenile Courts, where the greatest care is taken to examine the conditions and causes of the delinquency of every child who comes before them.

CHAPTER TWELVE

THE FUTURE

What of the critics who do not think the methods of the juvenile Courts have gone far enough?

Their complaint is that the juvenile Courts are not as anxious to use modern scientific developments as they should be ; in particular that the psychiatrist should be allowed to try out his methods on children who are found to be upset by some mental disorder which may cause them to be troublesome.

There is a good deal of truth in this complaint. At many Courts, the magistrates regularly receive reports from a psychologist, but until recently no money was provided to pay for the psychological treatment which was advised. A new Act of Parliament, however, now allows this to be done. These cases are few, but we know that psychologists have been very successful in helping persons who have been able to pay for treatment lasting sometimes many weeks, and it is hoped that they will be equally successful with the children sent to them from the Courts.

Some think that the secret of delinquency is physical, that it lies in those parts of the body called glands. Many people who commit a crime, particularly many young people, are unsure of themselves : they have little will-power, they cannot be trusted, and their moods change quickly without good reason. They are influenced too

much by their feelings and they act too quickly without thinking. They are like this, it is thought, because of their glands. If their glands are treated in a certain way, then they will become steady, reasonable beings.

So little is known in this field at present, that we cannot be surprised that the magistrates do not give these ideas a trial. But it is possible that great discoveries may be made in the future. Our descendants, in a hundred years time, may think us as backward as we think the people are who, a hundred years ago, sent children to prison and sometimes hanged or transported them.

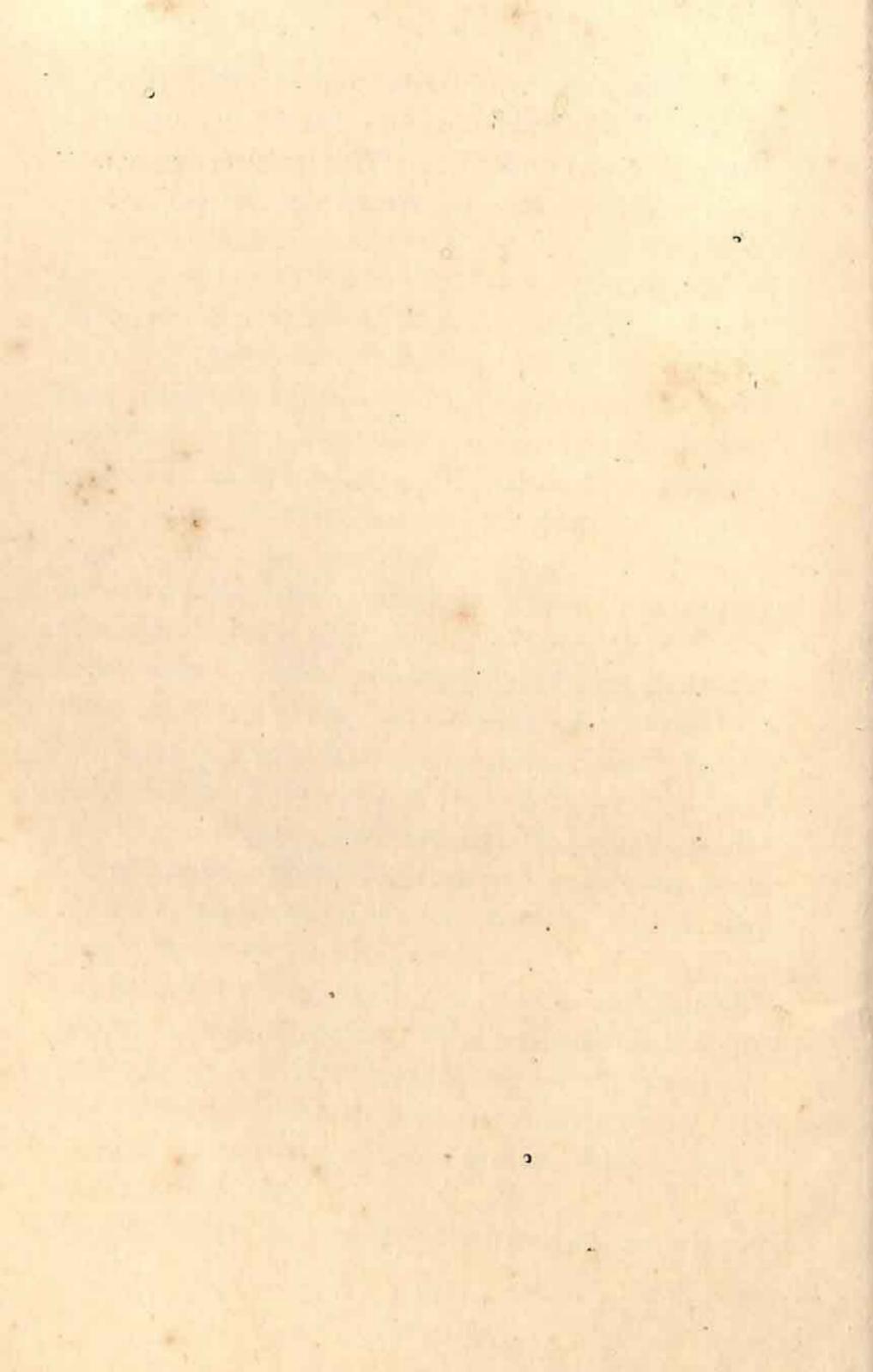
We can be sure that with the continuance of social improvements, better housing, regular employment, and a well-organized educational system, there will be much less juvenile delinquency. We may question the belief, however, which some reformers hold, that with these improvements crime will disappear altogether. The mystery of human behaviour goes deeper than that. It is a matter of character, of the way in which a child or a man feels and thinks and acts. The way in which he behaves when suddenly faced with certain situations can be as surprising as the behaviour of a small boat caught in an unexpected storm.

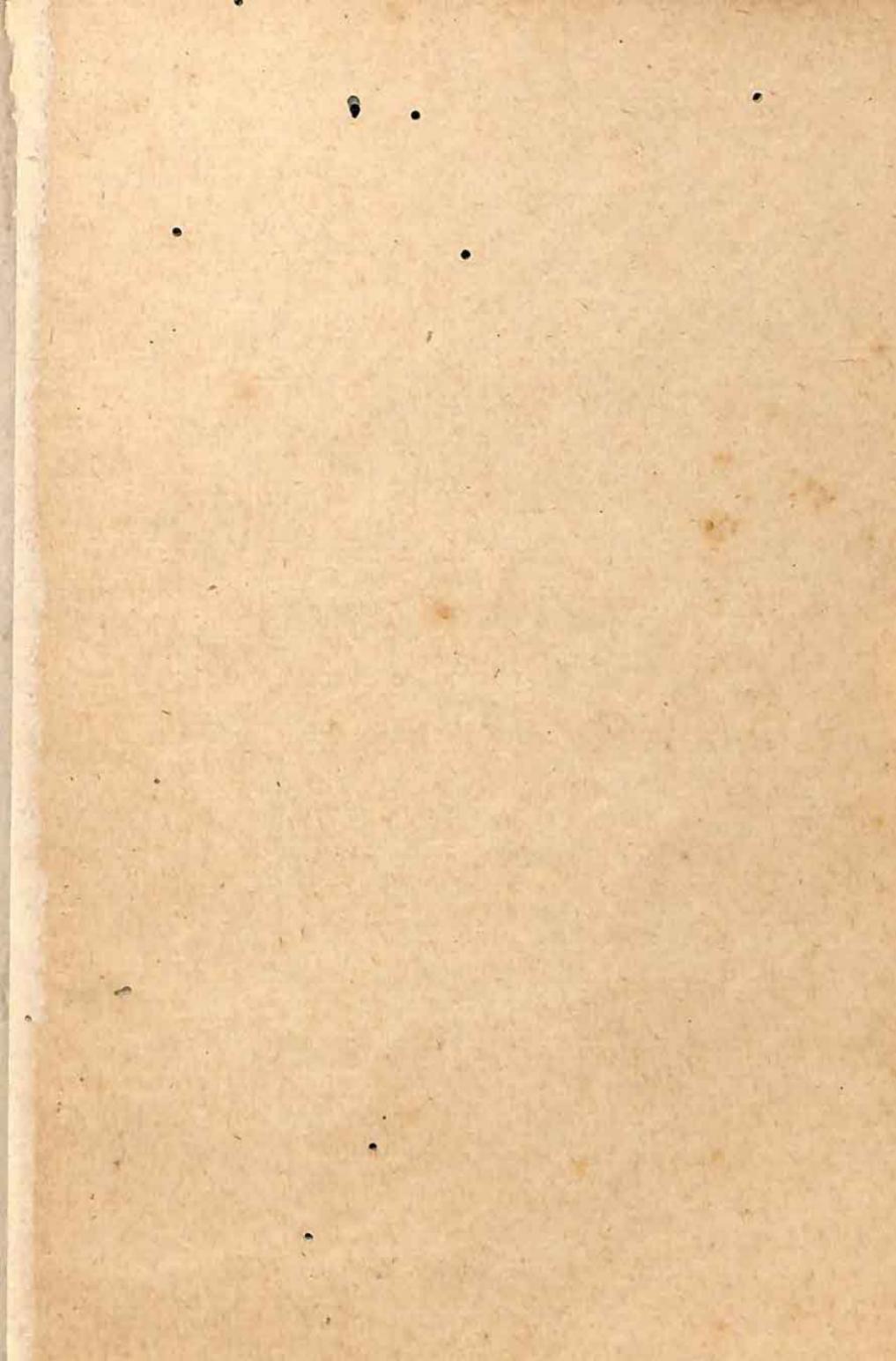
The man to whom crime has become a habit will become increasingly rare. In a well-organized community there is no place for him, just as there is no place for the beggar. But the occasional wrong-doer will probably always be with us to demand our sympathy, patience and help.

Meantime let us comfort ourselves with the thought

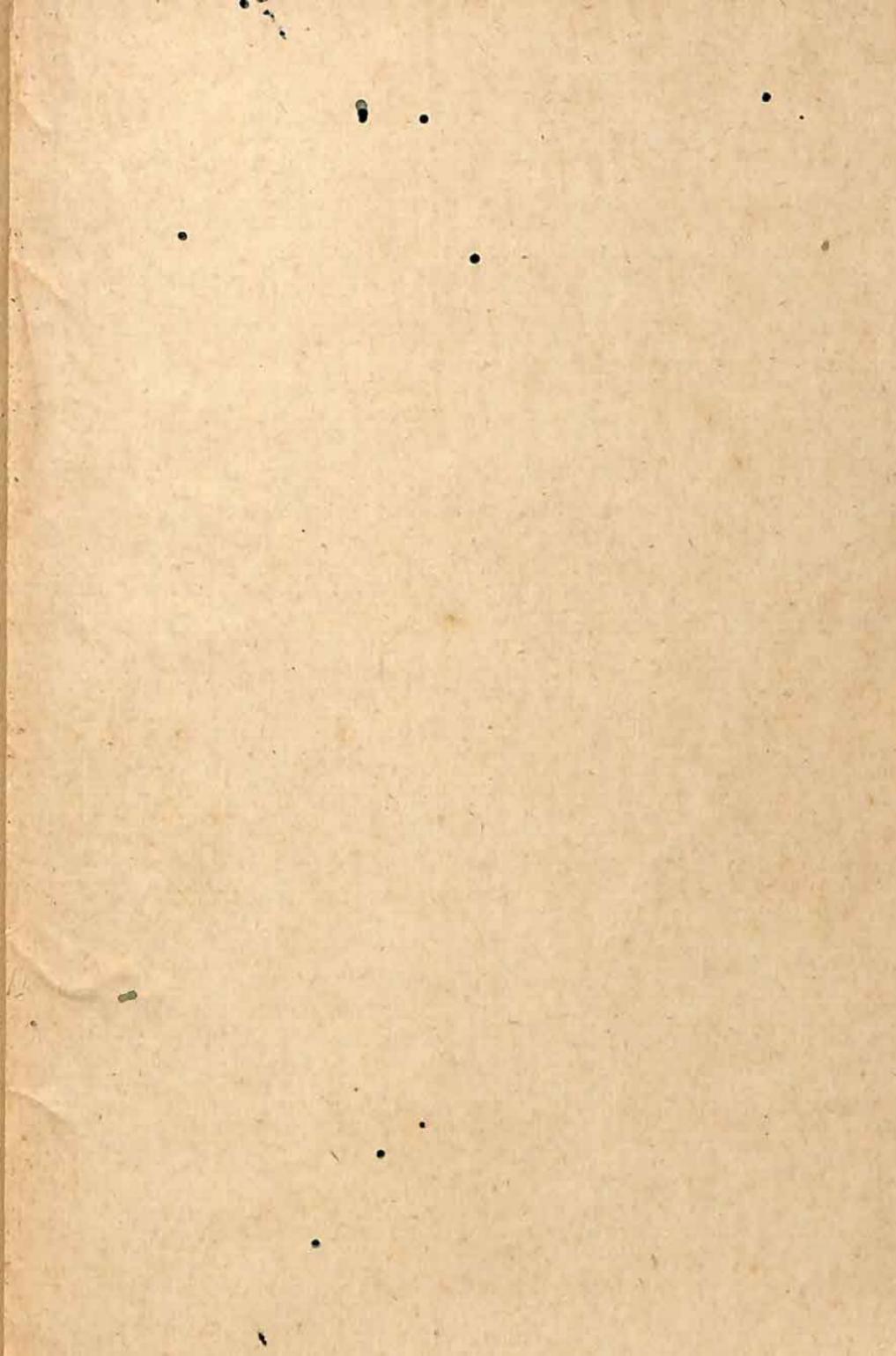
that the criminal, whether he be adult or child, is not always the worst of mankind. A famous French writer, La Bruyère, has reminded us: 'With faultless manners and irreproachable morals, a man can be perfectly impossible.'

So, with a child.









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